

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JUL 12 2013

David J. Bradley, Clerk of Court

Cheri LaBlanche
Plaintiff,

Vs.

National Board of Medical Examiners - (NBME)

Federation of State Medical Boards - (FSMB)

Educational Commission for Foreign Medical

Graduates - (ECFMG)

Jointly and Severally, - Defendants,

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Civil Action No.4:13-CV-00204

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

I. MITIGATE COSTS & MAINTAIN RIGHT TO JURY TRIAL

HEREIN COMES Plaintiff and files this Motion for Summary Judgment to mitigate costs / expenditures of this suit on behalf the parties and court; In the interest of Justice Plaintiff will show that there is no genuine dispute as to any material fact of the subscribed issue, and that the movant is entitled to judgment as a matter of law. If in the alternative the Court denies summary judgment; plaintiff maintains her right and demand for JURY TRIAL on this and all issues.

II. RULE 56. SUMMARY JUDGMENT

- (a) **Motion for Summary Judgment or Partial Summary Judgment.** A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

III. BACKGROUND

Plaintiff and files this EQUITY CLAIM of REASONABLE ACCOMODATION for “PAPER-BASE TESTING”; of Medical Licensure “exams” administered by Defendants: The National Board of Medical Examiners (NBME) is a not-for-profit organization that serves the public through its assessments of healthcare professionals; via *The U.S. Medical Licensing Examination (USMLE)*. The NBME develops and manages the USMLE; while state licensing boards grant license to practice medicine. All medical boards in the US accept a passing score on the USMLE as evidence that applicants demonstrate core competencies to practice medicine. The NBME and the Federation of State Medical Boards (FSMB) co-sponsor the USMLE; and the Educational Commission for Foreign Medical Graduates (ECFMG) is the third collaborator in the USMLE program.

IV. ISSUE:
REASONABLE ACCOMODATION & EQUITY

In 2004 and 2006 Plaintiff failed Defendants' "5 hour - *COMPUTER-BASE TESTING*" licensure examination. Plaintiff's exam failures are totally attributed to Defendants' repetitious denials for the National Norm option choice request of "*PAPER-BASE TESTING*"; which is an EQUITY REASONABLE ACCOMODATION that **will** eliminate Plaintiff's *DISABILITY* of "ACUTE HEADACHES", which consistently develops approximately after 30 minutes of visual contact and interaction with any computer monitor / screen.

The option choice and availability of both "*PAPER-BASE & COMPUTER-BASE TESTING*"; is a National Standard Norm for U.S. Licensure and Certification examinations. Due to a \$70,000 (seventy thousand dollar) average total costs of U.S. Medical Schools; and this petitioned equity exchange for Defendants' test fees that exceed \$3,000.00 (three thousand dollars).

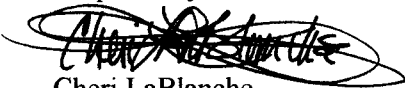
V. RELIEF

Therefore Plaintiff seeks and prays for Summary Judgment of (1) REASONABLE ACCOMODATION RELIEF specified above; and (2) EQUITY RELIEF for the reasonable exchange of Test Costs which exceed \$3,000.00 (three thousand dollars); for the national norm choice to execute Defendants examinations via "*PAPER-BASE TESTING*" as opposed to computer. (3) Plaintiff prays the court will allow TWO test attempts without costs due to Defendants 2004 and 2006 paper base test denials.

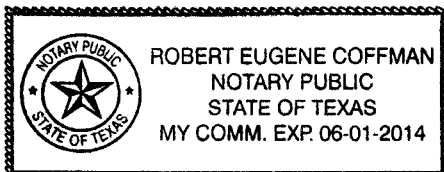
VI. SUMMARY JUDGMENTAFFIDAVIT
& CERTIFICATE OF SERVICE

I declare under penalty of perjury and am competent to testify based on my personal knowledge; that this Motion for Summary Judgment is true and correct. I also certify that a true and correct copy of this motion was forwarded to Defendant's Counsel of record

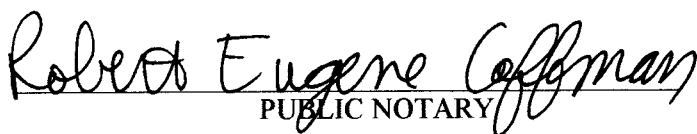
Respectfully Submitted,



Cheri LaBlanche
Plaintiff
12806 Southspring Dr.
Houston, TX. 77047
713 733 9777



SIGNED on this 12 day of July 2013.


PUBLIC NOTARY